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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

ORACLE USA, INC., *et al.*,
Plaintiffs,
v.
SAP AG, *et al.*,
Defendants.

CASE NO. 07-CV-01658 PJH (EDL)

**PLAINTIFFS' ADMINISTRATIVE
MOTION TO EXTEND PERIOD
FOR REVIEW OF ORACLE'S
OBJECTIONS TO ORDER
PURSUANT TO LOCAL RULE 72-2**

Case No. 07-CV-01658 PJH (EDL)

1 Pursuant to Northern District of California Civil Local Rule 7-11, Plaintiffs
2 hereby move for administrative relief extending the time pursuant to Civil Local Rule 72-2
3 within which the District Court Judge may review a Magistrate's Order. Oracle brings this
4 motion, in an abundance of caution, because of the current unavailability of the District Court
5 and the importance of the legal rights affected by the Order in question. Given those two factors,
6 there is good cause here to grant Oracle's administrative motion for relief to allow its Objections
7 to be considered on the merits.

8 On September 17, 2009 Magistrate Laporte issued an Order Granting Defendants'
9 Motion for Preclusion of Certain Damages Evidence Pursuant to Federal Rules of Civil
10 Procedure 37(c)(1) and 16(f) ("Order"). Plaintiffs received the Order via the Northern District's
11 ECF notification system that afternoon. Pursuant to Civil Local Rule 72-2 and Fed. R. Civ. Proc.
12 6, Plaintiffs filed Objections to Order of Discovery Magistrate Granting Defendants' Motion for
13 Preclusion of Certain Damages Evidence ("Objections") on October 1, 2009 (ten business days
14 from receipt of Order). Civil Local Rule 72-2 provides that "[i]f no order denying the motion or
15 setting a briefing schedule is made within 15 days of filing the objection, the objection shall be
16 deemed denied." Therefore, pursuant to Civil Local Rule 72-2 and Fed R. Civ. Proc. 6,
17 Plaintiffs' Objections may be deemed automatically denied, and the Clerk may issue a
18 notification, if the Court has not established a briefing schedule or explicitly denied the
19 Objections by October 16, 2009.

20 The Court's calendar, however, indicates that Judge Hamilton is unavailable until
21 October 15, 2009, providing just one court day after her return for consideration of Plaintiffs'
22 Objections prior to the Clerk's notification of an automatic denial pursuant to Civil Local Rule
23 72-2. To provide the Court adequate time to consider Plaintiffs' Objections before the potential
24 intervention of an automatic denial, and in the interest of fairness, Plaintiffs respectfully request
25 that the clerk not automatically deem Plaintiffs' Objections denied until October 26th, 2009,
26 adding ten calendar days to the period for potential review pursuant to Civil Local Rule 72-2.

1 DATED: October 1, 2009

BINGHAM McCUTCHEN LLP

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4 By: /s/ Bree Hann
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6 Oracle International Corporation, Oracle EMEA
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